

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Thomas John Kelly,

Civ. No. 08-5028 (JMR/JJK)

Plaintiff,

v.

Frerich, Correctional Officers; John Doe,  
Correctional Officers; Distell, Saint Paul  
Police Officers; Doe, Saint Paul Police  
Officers; and Rob, Jail Nurse;

**ORDER**

Defendants.

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Thomas John Kelly, 227367, MCF, 1000 Lake Shore Dr., Moose Lake, MN, 55767, *pro se*.

C. David Dietz, Esq., Assistant Ramsey County Attorney, counsel for Defendants Frerich and John Doe.

Cheri M. Sisk, Esq., Assistant Saint Paul City Attorney, counsel for Defendants Distell, Doe, and Rob.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated April 16, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. The Motion Requesting Default Judgment Against Defendants By Plaintiff (Doc. No. 14) is **DENIED**.

Date: May 8, 2009

s/James M. Rosenbaum  
James M. Rosenbaum  
United States District Judge